

## REMARKS

Claims 1-15 are pending in the application. Claim 6 has been amended.

### Specification

The Examiner has objected to the disclosure on the basis that page 15 of the disclosure contains “an embedded hyperlink and/or other form of browser-executable code” (Office Action of September 1, 2005; page 3). In response Applicants have amended that portion of the specification to bring it into compliance with MPEP 608.01(a).

The Examiner has pointed out a typographical error in the abstract. In response Applicants have amended the abstract to correct this error.

The Examiner has objected to the content of the abstract. While the Examiner has drawn the Applicant’s attention to MPEP 608.01(b) regarding the “proper” content of the abstract, the Examiner has not, with all due respect, articulated the specific nature of her objection. Regardless, Applicants note that the cited portion of the MPEP states the “abstract *should* include... (5) if a process, the steps.” (MPEP 608.01(b); emphasis added). Applicants maintain that by reciting the steps of the claimed process the abstract’s content is in keeping with the MPEP 608.01(b).

### Claim Rejections

#### 35 USC § 112, first paragraph

The Examiner has rejected claims 1-2, 4, 6-7, 9, 11-12 and 14 under 35 USC 112, first paragraph as based on a disclosure that is not enabling. Specifically, the Examiner has asserted that the limitation of “identifying” is not enabled because “(t)here appears to be a step missing between the claimed ‘storing’ and ‘identifying’.” (Office Action of September 1, 2005; pages 4-5). Applicants respectfully traverse this rejection.

Applicants note that when the term “identifying” is used in independent claims 1, 6 and 11 it is modified by the phrase “*according to* properties returned by a plurality of search

engines." (emphasis added). Applicants further note that independent claims 1, 6 and 11 clearly recite that the act of identifying involves using the properties returned by the plurality of search engines to identify at least one search engine suited to service a query wherein the query includes at least one content category of the content categories stored in the act of storing. Applicants respectfully draw the Examiner's attention to dependent claims 2, 7 and 12 wherein the act of identifying is more narrowly recited as including "identifying at least one domain of the at least one search engine suited to service the query." Hence, in the narrower implementation of claims 2, 7 and 12 the properties returned by the plurality of search engines includes domain information and the act of identifying includes identifying at least one search engine returning domain information indicating that the at least one search engine is suited to servicing a query. Thus, Applicants assert that there is no missing step and hence that claims 1-2, 4, 6-7, 9, 11-12 and 14 are enabled.

**35 USC § 112, second paragraph**

The Examiner has rejected claims 1-4, 6-9, and 11-14 under 35 USC 112, second paragraph as being indefinite. Specifically, the Examiner has asked for a "clear and concise description" of what is meant by the recited limitations "suited" and "a plurality of search engines." (Office Action of September 1, 2005; page 5). Applicants respectfully traverse these rejections.

With regard to the meaning of the limitation "a plurality of search engines," Applicants note that the Examiner's rejection of the claims under 25 USC 103(a) cites column 2, lines 44-47 of Belfiore et al. (U.S. Patent No. 6,009, 459; hereinafter "Belfiore") as teaching this limitation. (Office Action of September 1, 2005; page 8). If, however, the Examiner requires further explanation of the meaning of this limitation, Applicants respectfully draw the Examiner's attention to the Application wherein the term "search engine" is explained as encompassing "any technology capable of searching for information according to a received query."

(Application; page 4, lines 13-15). More specifically, in the disclosed implementation of system 200 (Fig. 2) the plurality of search engines includes search engines 202, 204, 206 and 110. (Application; page 6, lines 4-22).

Regarding the limitation “suited,” Applicants note that in the context of the claimed invention the term “suited” is associated with the act of identifying a search engine based on properties returned by that search engine. (see, e.g., claim 1). More specifically, in the disclosed example implementation of mapping scheme 300 (Fig. 3) a lookup table or database may be utilized by a search manager 108 to map content categories of a received query to one or more domains best suited to service the query’s content categories where the one or more domains are the “properties” associated with and received from a plurality of search engines.

(Application; page 7, lines 16-23 to page 8, lines 1-7).

### **35 USC § 101**

#### **Claims 1-5**

The Examiner has rejected claims 1-5 under 35 USC 101 as being directed to an abstract idea. Applicants respectfully traverse this rejection.

In making this rejection the Examiner has cited *In re Warmerdam* (33 F.3d 1354, 1360; 31 USPQ2d 1754, 1759 (Fed. Cir. 1994)) as precedent for the holding that a “process that consists *solely* of the manipulation of an abstract idea is not concrete or tangible.” (Office Action of September 1, 2005; page 6; emphasis added). In response, Applicants respectfully draw the Examiner’s attention to the recited limitation of “a plurality of search engines” and that portion of the Application wherein the term “search engine” is explained as encompassing “any technology capable of searching for information according to a received query.” (Application; page 4, lines 13-15; emphasis added). Applicants assert that, at least with respect to the limitation of “a plurality of search engines,” claims 1-5 do not recite an abstract idea consisting *solely* of the manipulation of an abstract idea. Plainly speaking, search engines were a

technology well recognized by those skilled in the art at the time the Application was filed and are very clearly not an abstract concept. Ergo, at a minimum, employing “properties returned by a plurality of search engines” as recited in claim 1 distinguishes the claimed subject matter from the realm of abstract ideas.

Claims 6-15

The Examiner has rejected claims 6-15 under 35 USC 101 as being directed to non-statutory subject. Specifically, the Examiner has rejected the content of the preamble to claim 6 wherein reads “a machine-readable medium comprising instructions.” (Office Action of September 1, 2005; page 7). In response, Applicants have amended the preamble of claims 6 and 11 to recite “a machine-readable storage medium storing instructions.”

35 USC § 103(a)

The Examiner has rejected claims 1-15 under 35 USC 103(a) as being unpatentable over Sheth et al. (U.S. Patent No. 6,311, 194; hereinafter “Sheth”) in view of Belfiore. Applicants respectfully traverse this rejection. Applicants assert that neither Sheth nor Belfiore, alone or in combination, provide the subject matter of the rejected claims.

The rejected independent claims 1, 6, and 11 all recite *identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query.* The Examiner asserts that Sheth teaches these limitations. (Office Action of September 1, 2005; page 7). Specifically, the Examiner points to where Sheth teaches:

Several Web sites have classified their assets into domains and attributes. Amazon.com visitors, for instance, can search classical music CDs by composer, conductor, performer, etc. Customers looking for videos can search mgm.com by title, director, cast, or year. Video indexing machines like Excalibur allow a company to segment its video assets, enter and search by an arbitrary number of user-specific attributes. Unfortunately, this powerful search is restricted to one particular Web site only. No

large-scale attribute search for all kinds of documents has been available for the whole Internet. While WebCrawlers can search and scan documents in the farthest locations, the classification of structurally very different documents has been the main obstacle of building a metabase that allows the desired comprehensive attribute search against heterogeneous data. (Sheth; col. 3, lines 36-50).

Applicants respectfully disagree with the Examiner's assertion that this portion of Sheth teaches *identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query as claimed.* (Office Action of September 1, 2005; page 7; citing col. 3, lines 36-50). To clarify matters, Applicant's disclosure provides examples of the claimed *properties* that a plurality of search engines may return. Specifically, in one implementation, Applicant's disclosed that:

It may be possible to query a search engine for properties of its associated domains, such as the name and description of a domain, a count of the number of documents or other information sources available on the domain, a range of dates associated with the information on the domain, and copyright and branding information for the domain.

(Application; page 8, lines 20-24).

As the Applicant's disclosure further explains, in one implementation, the limitation of *identifying* may include, for example, using the claimed *properties* to establish a mapping scheme wherein

Mapping of selected content categories 304 to suitable search engines 306 may be accomplished in various ways, for example, by way of a lookup table or database which maps content categories to search engines. The database and/or lookup table may be kept current by using protocols to request the properties of available search engines whenever desired. A set of one or more domains may be associated with a particular search engine. When the search manager 108 receives a query, selected content

categories may be associated with the query. The selected categories may map to particular search engines and domains best suited to the query. (Application; page 7, lines 22-23 thru page 8, lines 1-7).

Applicants assert that nowhere in the cited portion or elsewhere of Sheth does Sheth teach the claim limitations set forth above. Moreover, Belfiore fails to correct this deficiency of Sheth. Thus, Applicants respectfully assert that, at least in this respect, the combination of Sheth with Belfiore fails to establish a *prima facie* case of obviousness and it is therefore respectfully requested that the Examiner withdraw her rejection of claims 1-15.

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**CONCLUSION**

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner has any questions, she is invited to contact the undersigned at (503) 264-6473. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



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